

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alex Guinn	Team: Squad #14	CCRB Case #: 202102788	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 04/26/2021 5:09 PM	Location of Incident: § 87(2)(b)	18 Mo. SOL 10/26/2022	Precinct: 75		
Date/Time CV Reported Mon, 04/26/2021 7:32 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 05/06/2021 10:47 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Steve Torres	17913	959310	075 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Gerard Duffy	27158	968385	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Steve Torres	Abuse: Police Officer Steve Torres refused to provide his name to § 87(2)(b)	§ 87(2)(b)
B.POM Steve Torres	Abuse: Police Officer Steve Torres refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
§ 87(4-b) § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

Case Summary

On April 26, 2021, § 87(2)(b) called 911 and was transferred to the Internal Affairs Bureau (IAB) where she filed the following complaint. The CCRB received the case from IAB on May 6, 2021.

On April 26, 2021, at approximately 5:09 p.m., § 87(2)(b) called the police to report that a package was stolen, a few days prior, from her residence, § 87(2)(b) in Brooklyn. Police Officer Gerard Duffy and Police Officer Steve Torres, both of the 75th Precinct, arrived at § 87(2)(b)'s apartment. PO Duffy and PO Torres spoke to § 87(2)(b) about the incident, and prior to the officers leaving the scene, § 87(2)(b) allegedly asked PO Duffy and PO Torres for their names and shield numbers. PO Torres allegedly refused to provide his name and shield number to § 87(2)(b) (**Allegations A and B: Abuse of Authority, § 87(2)(g)**). PO Duffy and PO Torres then left the location. No arrests or summonses resulted from this incident.

§ 87(4-b), § 87(2)(g)

There is no body-worn camera evidence in this case, § 87(2)(g)

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Steve Torres refused to provide his name to

§ 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Steve Torres refused to provide his shield number to

§ 87(2)(b)

The investigation established the following facts:

On April 26, 2021, at approximately 5:09 p.m., § 87(2)(b) called the police to report that a package was stolen, a few days prior, from her residence located at § 87(2)(b), in Brooklyn. PO Duffy and PO Torres responded to § 87(2)(b)'s address and spoke with her about the incident. PO Duffy and PO Torres remained outside of § 87(2)(b)'s door as they spoke with her, and § 87(2)(b) stood in her doorway. As § 87(2)(b) was explaining the situation, PO Duffy and PO Torres received a radio call for a priority job, and PO Torres explained to § 87(2)(b) that they had to leave to attend to the job. § 87(2)(b) was confused that PO Duffy and PO Torres had to leave, but the officers informed § 87(2)(b) that a police report would be generated for her incident, and they left the scene. At no point did PO Duffy or PO Torres return to § 87(2)(b)'s apartment.

§ 87(2)(b) testified that after PO Torres explained that he and PO Duffy had to respond to an emergency job, she asked the officers if they were going to give her a reference number for her police report, and PO Duffy told § 87(2)(b) that she would have to call the precinct to obtain her reference number. Then, as § 87(2)(b) continued to stand in her doorway, she asked both PO Duffy and PO Torres if she could have their names and shield numbers for her records. PO Duffy provided his name and shield number. However, PO Torres had his arm up against the front door and was turned sideways in such a manner that § 87(2)(b) could not see his name and shield number. Thus, § 87(2)(b) turned to PO Torres and asked, again, if she could have his name and shield number, but PO Torres did not look at § 87(2)(b) or say anything. § 87(2)(b) turned back towards PO Duffy and asked if she could have PO Torres' name and shield number. PO Duffy told § 87(2)(b) that she did not need PO Torres' name and shield number. § 87(2)(b) asked PO Duffy why she could not have PO Torres' name and shield number, and PO Duffy informed § 87(2)(b) that she did not need his name and shield number because he was not the officer taking care of her complaint (BR 01).

PO Duffy and PO Torres consistently testified that after PO Torres explained to § 87(2)(b)

§ 87(2)(b) that they had to respond to a priority job, they informed her that she could obtain her police report number from the precinct stationhouse and they proceeded to leave the scene. PO Duffy testified that at no point during the interaction did PO Torres refuse to provide § 87(2)(b) his name and shield number, as § 87(2)(b) never asked PO Torres for his name and shield number. Similarly, PO Torres testified that he did not recall § 87(2)(b) asking him for his name and shield number, and thus, denied that he refused to provide his name or shield number to § 87(2)(b) (BR 02-03).

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 05).
- PO Torres has been a member-of-service for six years and has been a subject in 14 CCRB complaints and 55 allegations, of which four were substantiated:
 - 201807424 involved substantiated allegations of two threat of force (verbal or physical), discourtesy—word, and stop of person. The Board recommended Formalized Training and the NYPD imposed Formalized Training.
 - § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of September 30, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (BR 06).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: _14_

Investigator: Alex Guinn
Signature

Inv. Alex Guinn
Print Title & Name

09/27/21
Date

Squad Leader: Cassandra Fenkel
Signature

IM Cassandra Fenkel
Print Title & Name

09/28/2021
Date

Reviewer:

Signature

Print Title & Name

Date